

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LAUREL PARK COMMUNITY, LLC, a Washington  
limited liability company; TUMWATER ESTATES  
INVESTORS, a California limited partnership;  
VELKOMMEN MOBILE PARK, LLC, a Washington  
limited liability company; and MANUFACTURED  
HOUSING COMMUNITIES OF WASHINGTON, a  
Washington non-profit corporation,

Plaintiffs,

v.

CITY OF TUMWATER, a municipal corporation,

Defendant.

No. 3:09-cv-05312-BHS

SUPPLEMENTAL  
DECLARATION OF  
ROBERT EICHLER IN  
SUPPORT OF PARTIAL  
SUMMARY JUDGMENT

Robert Eichler declares and states as follows:

1. I am over the age of eighteen, competent to testify, and familiar with the facts  
herein.

2. I am the sole member of plaintiff Laurel Park Community, LLC, which owns  
Laurel Park, a manufactured housing community located in Tumwater, Washington. I purchased  
Laurel Park in 1991. I have purchased, sold, and managed various manufactured home  
communities since 1982.

Supp. Declaration of Robert Eichler - 1

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1           3.     I do not expect a windfall from this action. In fact, I just want what I had before  
2 Tumwater enacted its MHP ordinance.

3           4.     I also do not expect a windfall from my ownership and operation of Laurel Park.  
4 I purchased Laurel Park for its current rental revenue and for a meaningful choice of other land  
5 uses that generate income or increase its resale value. I anticipated using the property as a mobile  
6 home park and then expected to be able to turn to other economically productive uses at my  
7 discretion, or sell the property if it became economically unviable when a higher and better use  
8 opportunity presented itself. I did not expect that either the County or the City would require  
9 that I continue to use the property as a manufactured home community in perpetuity, or that they  
10 would effectively accomplish the same result by allowing me to choose between using my  
11 property for one economically viable use (a manufactured housing community), or request a  
12 conditional use permit to use other primarily public or institutional uses that do not generate  
13 profit.  
14

15           5.     I have always expected that I would share in my portion of public obligations, and  
16 I am proud to have offered the residents of Laurel Park the opportunity to purchase an affordable  
17 home and place it on my land. But, I never expected that I would be required by Tumwater to  
18 shoulder more than my share of any public obligation to provide affordable housing, or that  
19 Tumwater would later exercise its zoning power to require that I either continue to make my  
20 property available as affordable housing, or "choose" another public use that is not viable. When  
21 I invested in Laurel Park, neither Tumwater nor any other local government in Washington  
22 required that I choose between one use that generates revenue, and other uses which generate  
23 little or no revenue. I had no reason to believe that would change until Tumwater passes its  
24 MHP Ordinance.  
25

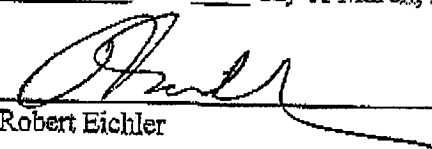
26 Supp. Declaration of Robert Eichler - 2

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1 6. Before Tumwater passed its MHP ordinance, my property rights did not allow  
2 Tumwater to require that I choose between realizing an income from the property, or realizing no  
3 income in any other permitted use. After Tumwater passed its ordinance, I now have a choice  
4 that is no choice. The difference is what I expected when I invested in Laurel Park, and do not  
5 now have. The difference is also how Laurel Park has been damaged by the MHP ordinance. I  
6 purchased Laurel Park expecting to use it as a mobile home park while that remained a viable  
7 personal and business decision, and then expected to be able to turn to other economically  
8 productive uses at my discretion, or sell the property if it became economically unviable when a  
9 higher and better use opportunity presented itself.  
10

11 I declare under penalty of perjury under the laws of the State of Washington that the  
12 foregoing is true and correct.

13 Executed at Issaquah, Flomish this 3 day of March, 2011.

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15   
16 Robert Eichler  
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Declaration of Robert Eichler - 3

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